

Filed for intro on 02/16/95
Senate Bill _____
By _____

House No. HJR0082
By McDonald

A RESOLUTION to make application to the United States Congress to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States to enumerate and clarify the right and powers reserved to the several states of the union by the 10th Amendment to the United States Constitution.

WHEREAS, the 10th Amendment to the Constitution of the United States reads as follows:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”;

WHEREAS, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 1995, the states are demonstrably treated as agents of the federal government; and

WHEREAS, numerous resolutions have been forwarded to the federal government by the Tennessee General Assembly without any response or result from Congress or the federal government; and

WHEREAS, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; and

WHEREAS, the Constitution of the United States reserves to the several states the right to call a convention for proposing amendments to the Constitution; and,

WHEREAS, amendments proposed at a convention called by the several states will become a part of the Constitution and the law of the land upon ratification of three-fourths (3/4) of the states; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That pursuant to Article V of the Constitution of the United States, application is hereby made to the United States Congress to call a convention for the purpose of considering and proposing an amendment to the Constitution of the United States to:

(1) enumerate and clarify the rights and powers reserved to the several States of the Union by the 10th Amendment to the United States Constitution;

(2) reclaim and reassert the several states' sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution; and;

(3) cease the federal government's imposition of mandates that are beyond the scope of its constitutionally delegated powers.

BE IT FURTHER RESOLVED, That this application shall constitute a continuing application for such convention under Article V of the Constitution of the United States until the legislatures of two-thirds (2/3) of the several states shall have made like applications and such convention shall have been called and held in conformity therewith, unless the Congress itself proposes such amendment within the time and in the manner herein provided.

BE IT FURTHER RESOLVED, That the state of Tennessee does hereby request its sister states to join Tennessee in calling for a constitutional convention to consider adoption of the proposed amendment.

BE IT FURTHER RESOLVED, That proposal of such amendment by the Congress and its submission for ratification to the legislatures of the several states at any time prior to sixty (60) days after the legislatures of two-thirds (2/3) of the several states shall have made application for such convention, shall render such convention unnecessary and the same shall not be held. Otherwise, such convention shall be called and held in conformity with such applications.

BE IT FURTHER RESOLVED, That as this application under Article V of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, it is requested that receipt of this application by the Senate and the House of Representatives of the Congress of the United States be officially noted and duly entered upon their respective records and that the full contents of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress.

BE IT FURTHER RESOLVED, That enrolled copies of this resolution be sent to the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, the Speaker of

the House and the President of the Senate of each state's legislature of the United States of America, and to each member of Tennessee's congressional delegation.

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